

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

THE STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., *et al.*,

Defendants.

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2:21-CV-067-Z

**UNOPPOSED MOTION
FOR LEAVE TO FILE A MEMORANDUM OF LAW AS AMICUS CURIAE IN
OPPOSITION TO PLAINTIFFS' MOTION TO POSTPONE
THE EFFECTIVE DATE OF AGENCY ACTION**

Pursuant to FED. R. CIV. P. 7 and Local Rule 7.2(b), the Refugee and Immigrant Center for Education and Legal Services (RAICES), Justice Action Center (JAC), and other *Amici* members (collectively “*Amici*”) respectfully move for leave to brief as *amicus curiae* in the above-captioned proceeding in opposition to Plaintiffs’ Motion to Postpone the Effective Date of Agency Action.¹ The proposed *amicus* brief is filed as Exhibit A to this Motion. Counsel for *Amici* contacted counsel for the parties concerning this filing—Ryan Walters consented on behalf of Plaintiff states Texas and Missouri, and Erez Reuveni consented on behalf of Defendants.

While the Federal Rules do not directly address *amicus* participation, “[t]he extent, if any, to which an *amicus curiae* should be permitted to participate in a pending action is solely within the broad discretion of the district court.” *Sierra Club v. Fed. Emergency Mgmt. Agency*, 2007

¹ See Plaintiffs’ Motion at ECF No. 149.

WL 3472851, at *1 (S.D. Tex. Nov. 14, 2007) (*quoting Waste Mgmt. of Pa., Inc. v. City of York*, 162 F.R.D. 34, 36 (M.D. Pa. 1995)).

The combined experience of *Amici* and its members in promoting justice and navigating immigration law gives them valuable insight that makes them uniquely situated to inform the Court of the broader implications of the issues before it. JAC is a nonprofit organization dedicated to advancing the civil and human rights of immigrants through a combination of impact litigation and storytelling. It provides support to select nonprofit organizations that have immigrant members or provide direct legal services to immigrant communities. As an organization litigating on behalf of immigrant communities in numerous jurisdictions nationwide, with active litigation on Remain in Mexico, JAC has a strong interest in the ability of noncitizens to access legal process in safety.

RAICES is a nonprofit organization headquartered in San Antonio, Texas. RAICES's mission is to promote justice by providing robust legal services, social programs, bond assistance, and advocacy to support underserved migrant children, families, and refugees in Texas. In 2020, RAICES closed approximately 51,000 cases at no cost to the client. RAICES's Legal Department provides affirmative, defensive, and litigation services. As part of these programs and services, RAICES actively represents migrants subjected to Remain in Mexico.

Particularly in light of the Court's recent Order (ECF No. 157) granting leave for the admission of an *amicus* brief in support of Plaintiff's Motion to Postpone the Effective Date of Agency Action, *Amici* believe their perspective will be helpful to the Court. *Amici* bear witness to the human costs of Remain in Mexico and have consistently participated as *amicus curiae* in cases involving substantial questions of law related to novel theories related to the policy. Further, *Amici* are keenly aware that the consequences of extending Remain in Mexico are devastating and offer

the Court the stories of those suffering under the reinstated policy, which compel the conclusion that Remain in Mexico is not only unwarranted, it is also inhumane.

The proposed *amicus* brief is filed contemporaneously with and immediately follows this Motion. There will be no further delay in the proceedings should this Motion be granted, as *Amici* do not intend to seek to be present at any hearing or oral argument unless this Court requests *Amici's* participation.

For these reasons, *Amici* request this Court grant leave to file this *amicus* brief in opposition to Plaintiffs' Motion to Postpone the Effective Date of Agency Action.

Respectfully submitted,

/s/ Robert S. Velevis

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CERTIFICATE OF SERVICE

I certify that on September 6, 2022, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/ Robert S. Velevs

Robert S. Velevs